

3 September 1976

Guidelines

SSCI

77-0337

MEMORANDUM FOR: George L. Cary

FROM:

SUBJECT: Senate Select Committee on Intelligence
Procedures and Workload

1. In preparation for your conversation with Bill Miller regarding the Committee's establishing some reasonable procedures for requesting information and documents, has asked me to forward my views regarding how things have developed thus far as well as my ideas for optimum Committee, as well as office, procedures.

2. It is apparent that many in the Agency are becoming exasperated at the number, depth, and apparently lack of inter-Committee coordination of Committee requests. I certainly agree that things could be better, but I am confident they will as soon as the Committee is fully organized. I think we must realize that the Committee is going through a trial and error formulation stage and we cannot expect them to be as fully organized as for example the Appropriations Committees which have been around for generations. It seems to me the Committee is making a concerted effort to make a break with the attitudes and practices of the Church Committee; as a result that Committee's procedures do not offer them a great deal of guidance. According to a list supplied me by Ben Marshall yesterday, the Committee now has 31 employees. I believe their goal is between 40 and 50, and until they reach their goal there will be a considerable shuffling of assignments and general confusion. Once everybody is on board and has definite assignments, I believe the present confusion will ameliorate.

3. Following is a rundown on the organization and work of the Subcommittees thus far:

A. Subcommittee on Intelligence and Rights of Americans - The activities of this Subcommittee thus far have been entirely devoted to the wiretap legislation, S. 3197. Senator Bayh is Chairman of this Subcommittee; his designee, Tom Connaughton, has not yet even been cleared. Mike Epstein, Senator Hathaway's designee, will also be a pivotal staff man on this Subcommittee. Now that the wiretap legislation has been reported from the Committee, I expect this Subcommittee to begin organizing on their modus operandi.

B. Subcommittee on Budget Authorization - I discussed this Subcommittee's work at length the other day with George Pickett. He believes he will be the only permanent staff man assigned totally to this Subcommittee's work. Assisting him will be [redacted] on a consultant basis (Pickett expressed very high regard for [redacted] and the designees of the Subcommittee members. The designees are: Mike Epstein (Senator Hathaway), Elliott Maxwell (Senator Huddleston), Rick Inderfurth (Senator Hart), Sam Bouchard (Senator Goldwater), and Martin Gold (Senator Hatfield). Gold is not yet on board. Charlie Kirbow has managed to become involved in this Subcommittee's work. Pickett described the complicated staff management situation he will have. He will exercise some management and leadership of the other staff; however, this is not clear-cut because of the designee status of most of the staff. Individual staff members will be assigned to master individual agency or program budgets. Pickett will be jointly responsible for some of the programs, but chiefly will attempt to get an overview of all budgetary questions. He did not give me a complete list of assignments, but he did mention that Inderfurth and Kirbow would be jointly handling the CIA and INR budgets. Mike Epstein has responsibility for FBI and Treasury budgets. I believe Elliott Maxwell will focus on aspects of the DOD budget. He also stated that in the next month he needs to get to know the chief financial officers in all the intelligence agencies and to get together with his budget counterparts in other relevant Senate committees to develop procedures for working together. He sees the Subcommittee within the next year focusing on three areas:

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1. FY 1978 - The Subcommittee will likely hold hearings in late January or early February in connection with its authorization responsibility. Pickett stated he does not want to be disruptive and believes the Committee will not have much impact on the FY 78 budget.

2. FY 1979 - The Subcommittee would like to be involved in program planning for the FY 79 budget. He believes the FY 79 budget will be the first for the Subcommittee's real influence. He stressed the Subcommittee will not require justifications for how many cars are in the motor pool, but rather will look at the "big picture."

3. FY 1980 - The Subcommittee will want to look at specific programs and whether the yield is worth the cost.

C. Subcommittee on Intelligence Collection, Production, and Quality - As you know, this Subcommittee is the furthest along in its work. Staff members are well into their study of the quality of intelligence production, and because this is under [redacted] wing the work of this Subcommittee has taken little of OLC's time recently.

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D. Subcommittee on Charters and Guidelines - Elliott Maxwell appears to be the directing force of this Subcommittee. We have had two letters from the Subcommittee--one requesting the principles which a revised National Security Act must envelop and a request for a description of all intelligence-related activities undertaken by CIA with the specific legal authority for each activity. In addition, the Subcommittee is interested in a briefing comprising an evaluation of how well E.O. 11905 is working.

In addition to the work of the four Subcommittees, the full Committee is handling some issues. Several requests for information have been sent under Chairman Inouye's signature. Covert action will be handled by the full Committee; I believe the only staffers who will be involved are Miller, Madigan, Leibengood, and Inderfurth.

4. At the Director's meeting today, Mr. Knoche apparently stated he was upset that the Committee sent out requests for information by formal letter from the Chairman to the Director. He has earlier stated that the tone of some of the letters is that of an investigating Committee and is therefore inappropriate. My own opinion is that these are non-problems. As long as the Committee is flexible regarding the way the Agency handles a Committee letter, we should have no objection to written inquiries. With a letter there is less chance for misunderstanding or error. In addition, it is a lot easier for a staff member to place a phone call than to write a letter. If he writes a letter, he knows it will be reviewed up through at least the Subcommittee Chairman level or perhaps by the Staff Director or full Committee Chairman. As a result, he will take more care and perhaps be more reasonable in his requests. The Committee thus far has not insisted that Agency responses to letters to the Director be signed by the Director. Hence, if the matter is too trivial to concern the DCI, we have the option of handling it another way. Often on written requests signed by the Chairman I have simply called Bill Miller and relayed information orally, and no written response has been necessary. My point is Committee inquiries in letter form are not an additional burden and in fact have distinct advantages. Regarding the second point about the tone of some of the letters, I personally have found none of them objectionable. In response to serious allegations, the Committee has asked for the facts. If we want the Committee to be a defender of the Agency where we deserve it, they must have the opportunity to ask for facts and their letter can only have a strictly hands-off, neutral tone. This is how I would characterize their letters thus far.

5. I agree we must get the Committee to coordinate their inquiries better. We cannot have the Director routinely briefing each of the Subcommittees, and we do not want to have to answer duplicate requests from the Subcommittees. One possibility is that the requests (other than minor requests, such as Anne Karalekas wishing to see a particular document) to the Agency are to come only through one of the senior staff men (Miller, Madigan, Leibengood), or through one of the Subcommittee Staff Directors. This could not be a

perfect solution because if, for example, Senator Hart wants certain information on the budget, George Pickett would be in a very difficult position to try to stop Inderfurth from getting it for him. However, this would improve the present situation where apparently all staff members have authority to task the Agency.

6. If you decide to involve more of the office staff in the Committee's work, a couple of other assignments other than [] with the Budget Subcommittee and [] with the Charters Subcommittee suggest themselves. [] could work with the Committee on covert action, and [] could work with the Committee on security matters. Someone could also be assigned to work with the Subcommittee on Intelligence and the Rights of Americans. However, I hope the Committee assignments won't be fractionalized any more than absolutely necessary. I believe we should strive for as cohesive and centralized an approach as possible.

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